

Remarks:

Reconsideration of the application is requested. Claims 1, 4-13, 15, 19, 30-33, 35, 37-39, 41, and 43-46 are now in the application. Claims 30, 37-38, 41 have been amended. Claim 36 has been canceled. Claims 45-46 have been added.

The features of claim 36 have been integrated into independent claim 30. Specifically, amended claim 30 now describes *inter alia*, "A side surface spanning said first surface and said second surface; a channel being formed through said first surface and said side surface; and a fastener being disposed in said channel for fixedly connecting said body to the first bone."

In the Interview, the Examiner expressed concern regarding the Fig. 2B of Stone '433. Fig. 2B shows a wedge shaped body (110). A plate (174) is a flange attached to the base (i.e. side surface) of the wedge. Holes (unnumbered) are formed in the flange. Screws 172 and 176 are inserted through the flange 174, but not the wedge shaped body.

In contrast to Stone '433, Fig. 2B, the claims of the instant application call for, "a channel (64) being formed through said first surface (54) and said side surface (60); and a fastener (70) being disposed in said channel for fixedly connecting said body to the first bone." Therefore, the fastener is running through the body of the wedge into the surface of a bone abutting the surface of the implant.

Another difference to be emphasized is that, "The fastener has an end proximate said side surface, said end being nested within said side surface." See especially claims 37 and 45-46. Support for these claims can be found in Fig. 8 of the original specification. This feature is further discussed in the interview summary: i.e. "The Examiner ... suggested including structural recitations (e.g. ... the lack of protrusion of the screw head while fastened within the wedge component)." An implant with fasteners nested within the side surface has the added benefit of preventing soft-tissue abrasion. In particular, nested screws prevent ligament damage when the implant is inserted in the knee joint.

In view of the foregoing, the initial response, and the interview with the Examiner., reconsideration and allowance of claims 1, 4-13, 15, 19, 30-33, 35, 37-39, 41, and 43-46 are solicited. In the event the Examiner should still find any of the claims to be unpatentable, please telephone counsel so that patentable language can be substituted.

If an extension of time for this paper is required, petition for extension is herewith made.

No fee is believed due. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 50-3410 (Docket No. 780-A03-021-5).

Respectfully submitted,

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